

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
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DATE FILED: 7/17

JOEL BERGSTEIN,

Plaintiff,

-against-

MASERATI NORTH AMERICA, INC.,

Defendant.

08 Civ. 3571 (LAP) (AJP)

ORDER OF DISMISSAL ON CONSENT

ANDREW J. PECK, United States Magistrate Judge:

The parties having informed the Court that they have reached a settlement agreement in principle and are finalizing settlement documents (see attached letter), IT IS HEREBY ORDERED THAT this action is dismissed with prejudice and without costs, provided, however, that any party may reinstate the action within 15 days hereof if the settlement is not fully effectuated. Any pending motions are to be terminated as moot.

SO ORDERED.

DATED: New York, New York
July 17, 2008

Andrew J. Peck
United States Magistrate Judge

Copies **by fax & ECF** to: Sergei Lemberg, Esq.
Mark S. Kundla, Esq.
Judge Loretta A. Preska

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July 17, 2008

VIA FACSIMILE AND REGULAR MAIL

Honorable Andrew J. Peck, U.S.M.J.
United States District Court
Southern District of New York
500 Pearl Street - Room 1370
New York, NY 10007-1213

RE: Bergstein v. Maserati North America, Inc.
Docket No. 08 Civ. 3571
File No. 331.35581

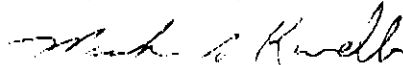
Dear Judge Peck:

Please be advised that this office represents Defendant Maserati North America, Inc. This letter will serve to advise you that the above matter has been amicably resolved between the parties. A formal Stipulation of Dismissal will be filed under separate cover.

Pursuant to our conversation with your Chambers this morning, we are requesting that the settlement Order include a 15 day re-open clause.

Thank you for your attention to the above.

Respectfully submitted,



Mark S. Kundla

MSK:mn

cc: Sergei Lemberg, Esq.

Lemberg & Associates, L.L.C.

4671221v1-WorkSites -Ltr to Judge Peck re case settled